



San Joaquin County

Emergency Medical Services Agency



<http://www.sjgov.org/ems>

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December 12, 2007

Ron Hittle, Fire Chief
City of Stockton
425 North El Dorado Street
Stockton CA 95202-1997

Re: Notice to Cure

Chief Hittle:

It has come to the attention of the Emergency Medical Services (EMS) Agency that a significant volume of confidential and privileged patient data and Continuous Quality Improvement (CQI) information is now in the possession of the Stockton Professional Firefighters Local 456 and posted on the Stockton Professional Firefighters Local 456 website, www.amatterofpublicsafety.com. On the website is a spreadsheet titled SFD Log for ECD & EMS Unusual Occurrence (UO) Forms Processed 5/1/06 – Present, which lists 756 separate occurrences of confidential and privileged patient data and CQI information. According to EMS Division Chief Ed Rodriguez the City of Stockton Fire Department knowingly released the confidential and privileged patient data and CQI information¹. By releasing the information the City of Stockton Fire Department has committed 756 violations of the EMS Agency's CQI Confidentiality Agreement (see attached) and may have violated the federal Health Insurance Portability and Accountability Act (HIPAA). HIPAA was enacted by Congress in part to protect a patient's right to privacy including the unauthorized release of patient addresses.

The City of Stockton Fire Department must take the following actions to remediate the unauthorized and inappropriate disclosure of confidential and privileged patient data and CQI information:

1. Remove the confidential and privileged patient data and CQI information from the website www.amatterofpublicsafety.com.
2. Send notices to each patient address publicly identified informing the patient of the unauthorized disclosure of confidential/privileged information by the City of Stockton. The notice shall include the process patients may use to report the violation to the federal Department of Health and Human Services, Office of Civil Rights. Proof of such notices must be submitted to the EMS Agency upon mailing.

¹ Telephone conversation with Anna Valdez, EMS QI/Trauma Coordinator on December 11, 2007.

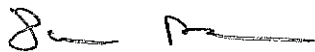
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3. Submit a plan detailing how the City of Stockton Fire Department shall ensure the protection of confidential and privileged patient data and CQI information in the future, including but not be limited to:
 - a. Mandatory training for all employees with access to confidential and privileged patient data and CQI information.
 - b. Safeguards and storage requirements to ensure only authorized users have access to confidential and privileged patient data and CQI information.
 - c. Procedures for approving the release of confidential and privileged patient data and CQI information.
 - d. Disciplinary procedures for unauthorized disclosures.
4. Affirm a commitment to protecting confidential and privileged patient data and CQI information.
5. Affirm a commitment to meet EMS CQI Program requirements and all EMS policies and procedures.

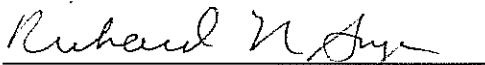
The City of Stockton Fire Department has until 1700 hours on January 10, 2008, to demonstrate to the EMS Agency that the corrective actions identified above are completed. During this period all City of Stockton Fire Department personnel shall be restricted from participating in CQI peer review discussions involving other providers and from receiving EMS CQI outcome data. The failure of the City of Stockton Fire Department to demonstrate completion of the corrective actions listed above may result in the EMS Agency taking action pursuant to paragraph IV Failure to Comply, of the County of San Joaquin and the City of Stockton Agreement executed April 9, 1986.

Separately, the City of Stockton Fire Department is not in compliance with the requirements of the EMS CQI program due to failure to submit patient care records, CQI audits, and CQI reports in a timely manner. The EMS QI/Trauma Coordinator shall be sending a letter detailing the corrective actions necessary to bring the fire department's CQI program participation into compliance.

Sincerely,



Dan Burch
EMS Administrator



Richard N. Buys, M.D.
EMS Medical Director

cc: Manuel Lopez, County Administrator
Kenneth B. Cohen, Health Care Services Director
Mark Myles, Assistant County Counsel
J. Gordon Palmer, City Manager, City of Stockton
Ren Nosky, City Attorney, City of Stockton
Edward Chavez, Mayor, City of Stockton
Members of City Council, City of Stockton